

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
MICHAEL J. MONROE,  
Plaintiff,

v.

JOULIANA HSA Nurse Administrator;  
LIEUTENANT JOHN BYRON; CAPTAIN J.C.  
JISKA; and COUNTY OF ROCKLAND,  
Defendants.  
-----X**ORDER**

20 CV 6807 (VB)

In an Opinion and Order dated December 20, 2021, the Court granted defendants' motion to dismiss the amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. The Court also granted plaintiff leave to file a second amended complaint **by January 20, 2022**, in accordance with the instructions set forth in the Opinion and Order. (Doc. #61). In doing so, the Court warned plaintiff in bold and underlined font that if he failed to file a second amended complaint or seek additional time to do so by January 20, 2022, the Court would deem plaintiff to have abandoned this case, and would direct the Clerk to enter judgment in defendants' favor and close the case.

Chambers mailed a copy of the Opinion and Order to plaintiff at the address on the docket.

To date, plaintiff has not filed a second amended complaint or sought an extension of time in which to do so. Moreover, the Court has not received any return mail or other indication that plaintiff did not receive the December 20, 2021, Opinion and Order.

Accordingly, the Court deems plaintiff to have abandoned this case.

The Court having previously granted defendants' motion to dismiss the complaint, and plaintiff having failed to file a second amended complaint or seek additional time to do so by January 20, 2022, the Clerk is directed to enter Judgment in defendants' favor and close this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

Dated: February 3, 2022  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti, U.S.D.J.